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**MAR 24 2008**

**OFFICE OF PETITIONS**

In re Application of	:	
Yanhong Zhu et al.	:	
Application No. 10/650,110	:	DECISION ON PETITION
Filed: August 26, 2003	:	PURSUANT TO
Attorney Docket No.: 13131-0292	:	37 C.F.R. § 1.137(B)
(44378/287574)	:	
Title: METHOD OF TREATING AND	:	
PREVENTING ALZHEIMER DISEASE	:	
THROUGH ADMINISTRATION OF	:	
DELIPIDATED PROTEIN AND	:	
LIPOPROTEIN PARTICLES	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b)<sup>1</sup>, filed January 28, 2008, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed July 24, 2007, which set a shortened statutory period for reply

<sup>1</sup> A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on October 25, 2007.

37 C.F.R. § 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.137(b)(3), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.137(b)(3) and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has submitted the petition fee, a statement that is being construed as the proper statement of unintentional delay, and an amendment. A terminal disclaimer is not required.

As such, the petition under 37 C.F.R. § 1.137(b) is **GRANTED**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was filed concurrently with this petition can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225<sup>2</sup>. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/

Paul Shanoski  
Senior Attorney  
Office of Petitions

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<sup>2</sup> Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).